

TO: The Honorable Board of Supervisors

FROM: L. Carol Edmonds, Interim County Administrator

DATE: March 23, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Prices Fork Elementary School Site

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Industrial Development Authority
2. New River Community Action
3. Parks and Recreation Commission
4. Planning Commission
5. Personnel

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on February 25, 2009 and March 4, 2009.

1. Special Use Permit – Virginia Tech Foundation, Inc. (Agent: NTELOS)
A request by Virginia Tech Foundation, Inc. (Agent: Ntelos) for a Special Use Permit (SUP) on approximately 54.54 acres in an Agriculture (A1) zoning district to allow a 125' telecommunication tower. The project location is north of 2797 Stroubles Creek Road, and the property is identified as Tax Parcel No(s). 65-A-5 (Acct No. 021713), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. See TAB A.
2. Special Use Permit – Walter & Sherry Saville (Agent: NTELOS)
A request by Walter T. & Sherry K. Saville, (Agent: Ntelos) for a Special Use Permit (SUP) on approximately 7.74 acres in an Agriculture (A1) zoning district to allow a 152' telecommunication tower. The property is located adjacent to 2416 Poverty Creek Road, and is identified as Tax Parcel No(s). 38-A-153 (Acct No. 016650), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan. See TAB B.

VIII. PUBLIC ADDRESS

IX. DELEGATION

A. SUBJECT: 2010 CENSUS

2010 Census

A representative with the 2010 Census will provide information to the Board regarding the 2010 Census. The Census is a count of everyone residing in the United States and taken every ten years. The next census is scheduled to begin April 2010. See TAB C.

X. ADDENDUM

XI. CONSENT AGENDA

XII. OLD BUSINESS

**A. SUBJECT: REMOVE FROM THE TABLE
SPECIAL USE PERMIT – OAK FOREST
MHC, LLC**

**R-FY-09-
REMOVE FROM THE TABLE
SPECIAL USE PERMIT
OAK FOREST MHC, LLC**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby remove from the table the Special Use Permit (SUP) request by Oak Forest for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, that was previously approved on February 23, 2004 for Oak Forest MHC, LLC by the Board of Supervisors.

ISSUE/PURPOSE: Remove from the Table the SUP amendment by Oak Forest MHC, LLC.

JUSTIFICATION: At the March 13, 2009 meeting, the Board tabled this request in order for concerns voiced by the Board could be addressed. Since the vote to table this request was unanimous, any Board member can make the motion to remove it from the table.

**B. SUBJECT: SPECIAL USE PERMIT – OAK FOREST
MHC, LLC -**

1. For Approval Per The Planning Commission Recommendation

**R-FY-09
SPECIAL USE PERMIT
OAK FOREST MHC, LLC (AGENT: GAY & NEEL, INC.)
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED
ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby amend and approve the Special Use Permit (SUP) for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, that was previously approved on February 23, 2004 for Oak Forest MHC, LLC by the Board of Supervisors with the following conditions:

1. The previous Special Use Permit (SUP) approved February 23, 2004 is hereby repealed and replaced by this Special Use Permit.
2. This Special Use Permit (SUP) authorizes the build-out (expansion) of Oak Forest Mobile Home Park to a maximum of 214 units (18 additional) and construction will be in substantial conformance with the Conceptual Plans Titled “Oak Forest Mobile Home Park Conceptual Plan” consisting of sheets 1 through 3 by Gay and Neel, Inc. dated 09/02/08, last revised 12/08/08(PLANS). Development shall comply with sheet 1 and with either sheet 2 or 3. Oak Forest MHC, LLC shall advise the zoning administrator prior to starting the improvements and obtaining building permits for any additional units whether construction will be in substantial compliance with sheets 1 and 2 or with sheets 1 and 3.
3. Final development plans complying with the above mentioned PLANS shall be approved by the zoning administrator prior to the issuance of building permits for the installation of mobile homes on new spaces.
4. A bus shelter shall be constructed and maintained by the developer as close as practicable to the intersection of the park access drive and High Top Road. The bus shelter shall be no less than ten (10) and no more than sixty (60) feet from the public R/W of Hightop Road. The bus shelter design shall be approved by the

Montgomery County Public Schools. Off street parking shall be provided as shown on the PLANS. Additional recreation amenities and asphalt trails linking the bus shelter to the proposed parking and the overflow parking shall be constructed in accordance with the PLANS prior to any building permits being issued for the placement of any additional mobile home units.

5. The bus shelter shall generally be of block and frame construction with a shed style roof and enclosed on a minimum of three sides with materials that allows a clear view inside the bus shelter from all sides of the bus shelter. The shelter shall provide a minimum of 80 square feet of enclosed space.
6. The amenities as shown on the PLANS shall be constructed and maintained by the developer and approved by the zoning administrator prior to any building permits being issued for the installation of any new units approved under the SUP. These amenities include the proposed recreation amenities, trails, bus shelter, cross-walks, and off-street parking as shown on the PLANS.
7. Final development plans shall include fire hydrant locations. Hydrants shall be installed throughout the park so that no mobile home is more than 500 feet by road, from a hydrant, subject to engineering constraints. Fire protection shall be installed prior to the rental of any mobile homes over 186 units. Fire hydrants shall be tested and maintained by the Montgomery County PSA in accordance with Section 11(d) of the water and sewer regulations adopted August 4, 2008 as amended. All necessary fees for maintaining the hydrants shall be paid by property owner to Montgomery County PSA.
8. Oak Forest MHC, LLC shall pay any additional costs to increase the size of the current drainage pipe located under Merrimac Road (State Rte. 657) upon replacement by the Virginia Department of Transportation. The sizing of the pipe is to be determined by the Virginia Department of Transportation to adequately address drainage in the area. Oak Forest, MHC, LLC shall provide any necessary drainage easements on property they own on either side of Merrimac Rd. as determined by VDOT to ensure proper drainage.
9. The existing detention pond within the park shall be restored to the original design conditions as described in plans dated March 7, 1986 and accompanying Erosion & Sediment Control Narratives. Storm water detention pond shall be maintained in accordance with

the executed agreement, dated February 1, 2006 (Inst. No. 06001930).

The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

OR

2. FOR DENIAL

R-FY-09-

**RESOLUTION TO DENY THE REQUEST BY
OAK FOREST MHC, LLC (AGENT: GAY & NEEL, INC.)
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED
ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby DENY the request to amend the Special Use Permit (SUP) approved on February 23, 2004, for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, because the requested change to the Special Use Permit does not further the public health, safety, and welfare.

ISSUE/PURPOSE:

At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors.

See TAB **H** for a copy of the Planning Director's memorandum with information requested by the Board of Supervisors at the March 9, 2009 meeting.

XIII. NEW BUSINESS

A. SUBJECT: PROCLAMATION – “TAKE BACK THE NIGHT” RALLY AND MARCH

**R-FY-09-
PROCLAMATION
TAKE BACK THE NIGHT
RALLY AND MARCH**

WHEREAS, The first *Take Back the Night* event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and murders; and

WHEREAS, Five years later in the United States, a *Take Back the Night* march was held in San Francisco where over 5,000 women from 30 states participated; and

WHEREAS, Since then, marches have been held throughout the U.S., Canada, Latin America, India, and Europe; and

WHEREAS, *Take Back the Night* marches have been held in Richmond and Charlottesville, and at Hollins University, Radford University, Roanoke College, and Virginia Tech; and

WHEREAS, Marchers have called attention to violence against women—sexual harassment, misogyny, rape, and murder; this violence affects both individuals in the community and the community as a whole; and

WHEREAS, The twentieth annual *Take Back the Night* Rally and March will be held Thursday, March 26, 2009 beginning at 7:00 p.m. on the Drillfield in front of the chapel at Virginia Tech to bring our community together to protest violence against women and to promote awareness of attitudes, beliefs, and behaviors which perpetuate this violence.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia supports the twentieth annual *Take Back the Night* event which is part of Women’s Month 2009.

ISSUE/PURPOSE: Resolution supporting the twentieth annual Take Back the Night event sponsored by Womanspace and Take Back the Night Committee.
(See TAB I).

XIV. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Rural Addition Policy (TAB **J**)

XV. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XVI. COUNTY ATTORNEY'S REPORT

XVII. COUNTY ADMINISTRATOR'S REPORT

1. Budget Work Session – April 6, 2009
2. The American Recovery and Reinvestment Act of 2009 (TAB **K**)

XVIII. BOARD MEMBERS' REPORT

1. Supervisor Biggs
2. Supervisor Politis
 - Agriculture Product Storage
3. Supervisor Muffo
4. Supervisor Creed
5. Supervisor Brown
6. Supervisor Marrs
7. Supervisor Perkins

XIX. OTHER BUSINESS

XX. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Public Hearing on FY 2009-2010 Budget
Thursday, March 26, 2009
7:15 p.m.

Regular Meeting
Monday, April 13, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, April 27, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda